

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAMON CRUZ,

Petitioner,

-v-

No. 05-CV-10703-LTS-DCF

JOSEPH T. SMITH,

Respondent.

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ORDER

On October 4, 2022, this Court issued an order (docket entry no. 31) denying Mr. Cruz's Rule 60(b) motion (docket entry no. 29), after concluding that his motion was untimely and beyond the scope of Rule 60(b). The Court concludes that a certificate of appealability will not issue from the October 4, 2022 order, because Mr. Cruz did not make a substantial showing of a denial of a constitutional right. See 28 U.S.C. § 2253(c). The Clerk's Office is respectfully directed to mail a copy of this order to Mr. Cruz.

SO ORDERED.

Dated: New York, New York
February 10, 2023

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge